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Federal Communications Commission  
Office of Secretary

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of )  
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 )  
RULES PROMOTING )  
EFFICIENT USE, )  
FAIR DISTRIBUTION )  
OF TOLL FREE NUMBERS )  
 )

REPORT NO. CC 97-17  
CC DOCKET NO. 95-155

**SUPPLEMENTAL PETITION FOR RECONSIDERATION**

[This Supplemental Petition is in addition to the Petition dated May 5, 1997]

Mark D. Olson & Associates, Inc. ("MDOA"), by its attorney and executive officer, hereby seeks reconsideration of the recent Report and Order in the above-referenced proceeding, and hereby files this Supplemental Petition for Reconsideration. MDOA has previously filed an informal Petition for Reconsideration, dated May 2, 1997 and received via FEDEX delivery by the Office of the Secretary of the Commission on Monday, May 5, 1997. MDOA also filed in person with the Commission on May 6, 1997, by its Attorney, a formal Petition for Reconsideration dated May 5, 1997, which was designated to supercede the Petition dated May 2, 1997. Both Petitions, which are substantially similar in form and content, are hereby deemed to be incorporated herein by reference to this Supplemental Petition for Reconsideration.

To the Commission and the Common Carrier Bureau, we submit the following supplemental points, prayers and requests:

After the filing of MDOA Petitions for Reconsideration specified herein, on or about May 7, 1997, the Commission announced to the public via television appearance(s) of Commission staff, and via Press Release (Report No. 97-23; CC Docket Nos. 96-262; 94-1; 91-213; 95-72), that it intended to assess additional "access charges" on "multi-line" business and residential customers. We do not know if this pronouncement was made in response to the MDOA Petitions regarding the unjust and unreasonable classifications of "toll free subscribers" who hold "more than one (telecommunications) number," but nonetheless, we heartily endorse the direction of the Commission's proposed action as a more fair and equitable manner to allocate telecommunications numbers and services. By adopting this system, telecommunications end-users with "more than one number" will arguably pay their "fair share" for the resultant exhaustion of all telecommunications numbers.

At this time, however, we must stress that any tax or fee imposed should also provide telecommunications end-users with equal and unfettered rights to "number portability", which inherently includes the absolute right to retain their multiple "telecommunications numbers" as prescribed by the Act of 1996. If we are willing to pay the tax or fee, that fact, in and of itself, should be sufficient proof and create a "rebuttable presumption" that the telecommunications end-user has

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a "legitimate use" for its multiple telecommunications numbers. Accordingly, there should be no regulations that inhibit telecommunications end-users to do as they lawfully choose and decide to do with their telecommunications numbers, even if they hold them for future or intermittent use.

Therefore, we respectfully submit this Supplemental Petition for Reconsideration, and pray that it will be granted in good faith and in consideration with the previous points expressed in the prior filed MDOA Petitions specified herein and incorporated by reference. MDOA heartily endorses the equal application of a fee or tax for "more than one number" on all "telecommunications end-users" as the only fair and equitable way to regulate telecommunications numbers, and that the "one number" exemption satisfies the Congressional mandate of "universal telephone service" for all Americans. A fair and equitable tax or fee on ALL telecommunications end-users with "more than one number" is also the only fair and equitable manner to deal with the problem of "number exhaustion" for all telecommunications end-users. Therefore, the "rebuttable presumption(s)" requiring the proof of "legitimate use" should be permanently vacated and repudiated as not being in the legitimate "public interest" and being "void for vagueness."

Furthermore, inquiry into the management, business practices and business plans of "telecommunications end-users" is not authorized by the Telecommunications Act of 1996, which provides only for "Inquiries into Management" of Common Carriers (47 U.S.C. section 218). No inquiry into the management, business practices, business plans, book and records, financial statements, or annual reports of "telecommunications end-users" is expressed or implied by the Telecommunications Act of 1996, and such an inquiry is in direct contravention with the plain meaning of the Act and the expressed intent of the Congress. The Commission abuses its lawful authority by prescribing proof of "legitimate use" as a pre-condition to "number portability" and the right of all "telecommunications end-users" to "retain" their "telecommunications *numbers*."

WHEREFORE, it is respectfully requested that this Supplemental Petition, and the previously filed MDOA Petitions for Reconsideration that are incorporated herein by reference, and as timely and lawfully filed as a matter of Public Record, be granted.

Respectfully submitted,

MARK D. OLSON & ASSOCIATES INC.

DATED: May 7, 1997

By: 

Mark D. Olson  
Its Attorney & Executive Officer

ADDRESS ALL CORRESPONDENCE TO:

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